

ORDERED that Malibu may serve a Rule 45 subpoena on Time Warner, the ISP identified in its motion, to obtain information



to identify John Doe, specifically her or his true name and current and permanent address. Plaintiff shall not subpoena the ISP for John Doe's email addresses or telephone numbers. The subpoena shall have a copy of this Order attached, along with the attached "Notice to Defendant."

IT IS FURTHER ORDERED that Time Warner will have 60 days from the date of service of the Rule 45 subpoena upon them to serve John Doe with a copy of the subpoena, a copy of this Order, and a copy of the "Notice to Defendant." The Order should be attached to the "Notice to Defendant" such that the "Notice to Defendant" is the first page of the materials enclosed with the subpoena. Time Warner may serve John Doe using any reasonable means, including written notice sent to her or his last known address, transmitted either by first-class mail or via overnight service.

IT IS FURTHER ORDERED that John Doe shall have 30 days from the date of service of the Rule 45 subpoena and this Order upon her or him to file any motions with this Court contesting the subpoena (including a motion to quash or modify the subpoena), as well as any request to litigate the subpoena anonymously. Time Warner may not turn over John Doe's identifying information to Malibu before the expiration of this 30-day period. Additionally, if John Doe or Time Warner files a motion to quash the subpoena, Time Warner may not turn over any information to



Malibu until the issues have been addressed and the Court issues an Order instructing Time Warner to resume in turning over the requested discovery. John Doe, should he or she move to quash the subpoena or to proceed anonymously, shall at the same time as her or his filing also notify Time Warner so that it is on notice not to release any of John Doe's contact information to plaintiff until the Court rules on any such motions.

IT IS FURTHER ORDERED that if that 30-day period lapses without John Doe or Time Warner contesting the subpoena, Time Warner shall have 10 days to produce to the plaintiff the information responsive to the subpoena.

IT IS FURTHER ORDERED that Time Warner shall preserve any subpoenaed information pending the resolution of any timely-filed motion to quash.

IT IS FURTHER ORDERED that Time Warner shall confer with Malibu and shall not assess any charge in advance of providing the information requested in the subpoena. Should Time Warner elect to charge for the costs of production, it shall provide a billing summary and cost report to the plaintiff.

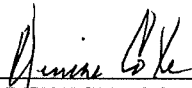
IT IS FURTHER ORDERED that Malibu shall serve a copy of this Order along with any subpoenas issued pursuant to this Order to Time Warner.

IT IS FURTHER ORDERED that any information ultimately disclosed to Malibu in response to a Rule 45 subpoena may be



used by Malibu solely for the purpose of protecting Malibu's rights as set forth in its complaint.

Dated: New York, New York  
April 8, 2015

  
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DENISE COTE  
United States District Judge